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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ELMORE WILLIAMS,

11 Plaintiff,

12 v.
13

14 MDC RESTAURANTS, LLC,

15 Defendant.
16

Case No. 3:23-cv-00559

**ORDER GRANTING
STIPULATION TO STAY
CASE PENDING ARBITRATION**

17 Plaintiff Elmore Williams ("Plaintiff") and Defendant MDC Restaurants, LLC
18 ("MDC") (collectively, the "Parties"), by and through their counsel of record, hereby
19 stipulate and agree as follows:

20 **RECITALS**

21 A. Plaintiff was employed by MDC from approximately March 15, 2021,
22 until August 12, 2021.

23 B. At the time MDC hired Plaintiff, the Parties entered into a Mutual
24 Arbitration Agreement (the "Agreement"), which set forth certain dispute-resolution
25 procedures and requirements, including a requirement that all claims or disputes that
26 could otherwise be filed in state or federal court regarding Plaintiff's employment
27 and/or the termination thereof be submitted to binding arbitration.
28

C. On November 13, 2023, Plaintiff filed a complaint against MDC in the above-captioned action, in which he asserts claims for racial harassment and constructive discharge/retaliation relating to his employment with MDC.

D. After conferring regarding the Agreement, the Parties have agreed to arbitrate Plaintiff's claims against MDC pursuant the Agreement.

E. The Parties recognize that this action must be stayed pending the arbitration proceedings. The Federal Arbitration Act provides that courts "shall ... stay the trial of the action until such arbitration has been had." 9 U.S.C. § 3. Nevada's Uniform Arbitration Act similarly provides that, "[i]f the court orders arbitration, the court on just terms shall stay any judicial proceeding that involves a claim subject to the arbitration." NRS 38.221(7).

AGREEMENT

THEREFORE, the Parties hereby STIPULATE AND AGREE that this action be stayed pending the outcome of the arbitration proceedings.

IT IS SO STIPULATED.

DATED: March 8, 2024

DATED: March 8, 2024

LAW OFFICE OF MARK MAUSER

KING SCOW KOCH DURHAM LLC

/s/ Mark Mausert

/s/ Matthew L. Durham

Mark Mausert, NV Bar No. 2398

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Attorney for Plaintiff

Attorneys for Defendant

ORDER

Pursuant to the Stipulation of the Parties IT IS HEREBY ORDERED that this action be stayed pending the outcome of the arbitration proceedings.

IT IS ORDERED that Parties shall notify the Court within 30 days from when a resolution is reached through arbitration or settlement.

IT IS FURTHER ORDERED that the Parties shall file a status report within 180 days from the date of this Order if this action is not resolved by then.

IT IS SO ORDERED.

DATED this 20th day of March, 2024



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE